

Director Dan Ashe
U.S. Fish and Wildlife Service
1849 C. St., NW
Washington, D.C. 20240

Subject: Comment Regarding - Draft Environmental Assessment and Draft Oil and Gas Industry Conservation Plan for the American Burying Beetle in Oklahoma

Dear Director Ashe,

Due to several months of uncertainty for oil and gas activities with regard to incidental "take" protection for American Burying Beetle (ABB) along with the need for establishing measures for this active season, the Oklahoma Department of Wildlife Conservation is supportive of the Fish & Wildlife Service's Industry Conservation Plan for ABB. This plan will allow oil and gas producers to move forward over the next 24 months with a universal process for operations.

It is our understanding that the ICP will provide options to industry that could not be achieved because the General Conservation Plan (GCP) for ABB could not be completed prior to the 2014 Active Season. It is furthermore our understanding that the delay in completion of the GCP is due to a large amount of pending survey data that may demonstrate the presence of ABB outside of the 45 Oklahoma Counties identified within the ICP.

In addition to the ICP and GCP, the ODWC has several concerns pertaining to what we believe is a severely compromised and outdated Recovery Plan for the ABB. The ODWC believes that sufficient data have been collected during the twenty-two years since the ABB Recovery Plan was originally prepared to justify a revision of the Plan and a reevaluation of its reclassification criteria. The existing Recovery Plan has been rendered largely obsolete by new data - the majority of which were compiled in the most recent Five-year Review for the American Burying Beetle that your staff published in 2008. Furthermore, this request is consistent with the recommendations that your staff outlined in the conclusion of the Five-year Status Review. As you are aware, the available biological data in 1989, indicating a species decline to small portions of Rhode Island and Oklahoma, has proven to be incomplete. Multiple surveys during the 1990s and 2000s have documented ABB presence in the eastern 1/3 of Oklahoma along with portions of Texas, Arkansas, Kansas, Nebraska and South Dakota. These post-listing survey data provide further justification in support of our belief that the ABB Recovery Plan and recovery goals should be reassessed because they are no longer based on the best available information.

We believe that the number of ABB distributed across the multi-state area described above exceeds the population size criterion for reclassification. This suggests that a high degree of population persistence and resiliency exists, which is consistent with the Recovery Plan's reclassification goals. Additionally, we believe that the Recovery Plan does not fully take into account the recovery benefits of the apparently large and widespread population(s) west of the Mississippi River.

The genetic data that have been collected since the Recovery Plan was developed do not indicate that any substantial regional variation exists across the beetle's geographic range nor that any genetic differentiation exists that could serve as a basis for subdividing the species into separate subspecies that could be managed independently based upon their status. At the same time, these genetic data demonstrate that the four regions that are identified in the Recovery Plan are arbitrary delineations and

should be modified or, preferably, eliminated. We contend that the currently occupied range of ABB already encompasses a wide range of ecological systems, including tallgrass prairie, mixed-grass prairie, oak woodlands, southeastern pine woodlands and maritime communities, which reflect much of the habitat diversity found within its historic range. A Recovery Plan that is based upon ecological regions rather than broad geographic regions would provide a framework for more quickly recovering this species. At the very least, it would advance the species closer to its reclassification goal while continuing to meet the goal of a broad ecological representation by beetle populations.

The Oil & Gas Industry Conservation Plan for ABB will provide some conservation benefits toward the recovery of the ABB. To make these conservation gains more effective, we would like to see new criteria incorporated into a revised ABB Recovery Plan that establishes criteria for delisting. We believe that these criteria are a critical component of a revised ABB Recovery Plan because it demonstrates that the Service believes that recovery is an attainable goal and ultimately is committed to recovery and delisting. These criteria also identify what actions are needed for recovery and how conservation partners can work with the Service toward the beetle's recovery goal.

We appreciate your willingness to consider this request. We firmly believe that a thorough and objective re-evaluation of the Recovery Plan will indicate that a delisting of ABB is warranted in the future and we look forward to working with the Service toward this end.

Sincerely,

Richard Hatcher, Director
Oklahoma Department of Wildlife Conservation